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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,734	04/13/2000	Hugo J. Strubbe	US000103	6918
24737	7590	01/13/2004	EXAMINER ENG, GEORGE	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			ART UNIT 2643	PAPER NUMBER 12

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/548,734

Applicant(s)

STRUBBE ET AL.

Examiner

George Eng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-16 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-16 and 18-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. This office action is in response to the amendment filed 11/3/2003 (paper no. 11).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 8-9, 12-16, 19-20 and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Pingali (US PAT. 6,005,610).

Regarding claim 1, Pingali discloses a method for tracking an object of interest, i.e., an active speaker, in a video processing system (abstract and col. 3 lines 13-32) comprising the steps of generating for a given measurement interval an audio locator output from an audio input, i.e., a microphone, and a video locator output from a video input, i.e., preset locations associated with manual keypad, each indicative of a location of the object of interest (col. 4 line 17 through col. 7 line 35), applying a set of rules to each of the audio locator output and the video locator output to determine which of at least one of the audio locator output and the video locator output will be utilized to adjust a setting of the camera based on the given measurement interval, and

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adjusting the camera setting utilizing the at least one of the audio locator output and the video locator output in accordance with the applied set of rules (col. 7 line 36 through col. 9 line 53).

Regarding claim 2, Pingali discloses the object of interest comprising an active speaker, i.e., a moving person (col. 1 lines 6-10 and col. 2 lines 63-67).

Regarding claim 3, Pingali discloses the camera being a pan-tilt-zoom camera having adjustable pan, tilt, and zoom settings (col. 8 lines 14-19).

Regarding claims 4-5, Pingali teaches an integrated localizer to determine whether the visual object localizer and the audio source localizer are sufficiently close for a given measurement interval (col.8 line 65 through col. 9 line 5) and to utilize the audio source localizer output to adjust a camera when the visual object localizer output and the audio source localizer outputs are not within a specified range of one another for the given measurement interval, and to utilize the video locator output to adjust the camera setting if the audio and video locator outputs are within a specified range of one another for the given measurement interval (col. 9 lines 6-53).

Regarding claims 8-9, Pingali discloses to determine whether the object of interest corresponds to a same speaker in a multiple-participant system based on the audio locator output and utilizing the video locator output to adjust camera setting so as place the same speaker at a designated position within one or more video frames generated by the camera and adjusting a zoom setting of the camera until a head of the identified same speaker occupies a designated portion of a given one of one or more video frames generated by the camera (col. 9 line 60 through col. 10 line 2).

Regarding claim 12, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 13, the limitations of the claim are rejected as the same reasons set forth in claim 2.

Regarding claim 14, the limitations of the claim are rejected as the same reasons set forth in claim 3.

Regarding claims 15-16, the limitations of the claims are rejected as the same reasons set forth in claims 4-5.

Regarding claims 19-20, the limitations of the claims are rejected as the same reasons set forth in claims 8-9.

Regarding claim 23, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 24, Pingali teaches to utilize the video locator output to adjust the camera setting only if the confidence indicator associated with the video locator output is above a specified video locator threshold for the given measurement interval (col. 8 line 65 through col. 9 line 30).

Regarding claim 25, the limitations of the claim are rejected as the same reasons set forth in claim 24.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 7, 10-11, 18 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pingali (US PAT. 6,005,610) in view of Hildin (US PAT. 5,844,599).

Regarding claim 7, Pingali differs from the claimed invention in not specifically teaching the set of rules including determining based on the audio locator output if the object of interest corresponds to a new speaker in a multiple participants system and directing the camera to zoom out by a predetermined amount and to turn in a direction of the new speaker when a new speaker is detected. However, Hildin teaches to determine based on the audio locator output if the object of interest corresponds to a new speaker in a multiple-participant system and directing the camera to zoom out by a predetermined amount and to turn in a direction of the new speaker if a new speaker is detected in order to intelligently and gently track the motion of the active speaker (col. 5 lines 4-19 and col. 6 lines 2-9). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Pingali in determining

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based on the audio locator output if the object of interest corresponds to a new speaker in a multiple participants system and directing the camera to zoom out by a predetermined amount and to turn in a direction of the new speaker when a new speaker is detected, as per teaching of Hildin, in order to intelligently and gently track the motion of the active speaker.

Regarding claims 10-11, Pingali differs from the claimed invention in not specifically teaching to zoom out the camera by an additional amount if detected period of continued silence exceeds a second amount of time greater than the first amount of time. However, Hildin teaches to zoom out the camera by a predetermined amount after a detect period of continued silence exceeds a first amount of time in order to provide a wide angle view of a conference, thereby make user friendly (col. 6 lines 6-9). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Pingali in zooming zoom out the camera by an additional amount if detected period of continued silence exceeds a second amount of time greater than the first amount of time, as per teaching of Hildin, in order to provide a wide angle view of a conference, thereby make user friendly.

Regarding claim 18, the limitations of the claim are rejected as the same reasons set forth in claim 7.

Regarding claims 21-22, the limitations of the claims are rejected as the same reasons set forth in claims 10-11.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-5, 7-16 and 18-25 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any response to this final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).

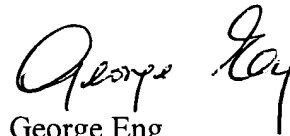


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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read "George Eng", with a stylized flourish at the end.

George Eng  
Examiner  
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